MYSORE ACT No. I OF 1947

THE LIMITATION (WAR CONDITIONS) ACT, 1947.

(Received the assent of His Highness the Maharaja on the 29th day of December 1946.)

An Act to exclude periods spent in enemy territory in computing limitation.

WHEREAS it is expedient to provide that the period of limitation prescribed by law for suits shall not run in the period during which persons instituting suits have been detained in enemy territory by circumstances attributable to war;

It is hereby enacted as follows:—

Short title, extent and commencement.

1. (1) This Act may be called the Limitation (War Conditions) Act, 1947.

(2) It extends to the [1][whole of the State of Mysore except Bellary District.]

(3) It shall come into force at once.

2. *Interpretation.*- In this Act, unless there is anything repugnant in the subject or context—

(*a*) "enemy subject" means any individual who possesses the nationality of a State which is, or at any time since the 3rd day of September 1939, has been, at war with His Majesty the King-Emperor or who, having possessed such nationality, at any time has lost it without acquiring another nationality, or any body of persons constituted or incorporated in or under the laws of such State;

(*b*) "enemy territory" means any area under the sovereignty of, or administered by, or for the time being in the occupation of, a State which is, or at any time since the 3rd day of September, 1939, has been at war with His Majesty the King-Emperor, not being an area in the occupation of His Majesty the King-Emperor or of a State allied with His Majesty the King-Emperor, and includes any area which the Government may, by notification in the official Gazette, declare either generally or

1. *See* the Mysore Adaptation of Laws Order, 1953.

in respect of any particular period to be enemy territory for the purposes of this Act.

3. *Suspension of limitation for suits in certain circumstances.*—If at any time before the expiration of the period of limitation prescribed for any suit by the Mysore Limitation Act, 1911 (IV of 1911) or by any other law for the time being in force, any person who could have instituted the suit has been detained in enemy territory by circumstances attributable to war, the said period of limitation as regards the institution of the suit by such person, shall be deemed not to have run in the period during which it is shown to the satisfaction of the Court that such person was so detained, and shall, notwithstanding, anything contained in the said Act, or in any other law, in no case expire before the end of six months from the date, as determined by the Court, when such person ceased to be so detained or from the date of the commencement of this Act, whichever is later:

Provided that where two or more periods have occurred in which a person was so detained, those periods shall be treated for the purposes of this section as one continuous period beginning with the beginning of the first period and ending with the end of the last period:

Provided further that this section shall not apply to suits instituted to enforce rights of pre-emption or to suits of any description which may be instituted by enemy subjects.

Repeal of Act XIII of 1946.

4. The Limitation (War Conditions) (Emergency) Act, 1946 continued by the Limitation (War Conditions) (Emergency continuance) Act, 1946 (XXXIV of 1946) is hereby repealed.